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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN, et al.

Appln. No.: 10/813,416

Filed: March 30, 2004

For: MEDICAL DEVICE INCLUDING UNITARY,
CONTINUOUS PORTION OF VARYING
DUROMETER

Attorney Docket No: 8627-453

Examiner: unknown

Art Unit:

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

 Information Disclosure Statement, Form PTO-1449 and required references cited. Return Receipt Postcard

Fee calculation and payment:

 No additional fee is required. An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a). A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____.) An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | Other Than Small Entity | |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|-------------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total | | Minus | | | x \$9= | | x \$18= | |
| Indep. | | Minus | | | x 43= | | x \$86= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$145= | | +\$290= | |
| | | | | | Total | \$ | Total | \$ |

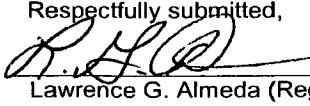
Fee calculation and payment:

A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.

Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,


Lawrence G. Almeda (Reg. No. 46,151)July 26, 2004
Date

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 26, 2004 Name: Lawrence G. Almeda

Signature: **BRINKS
HOFER
GILSON
& LIONE**BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

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In re Appln. of: Scott E. Boatman et al.

Appln. No.: 10/813,416

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PORTION OF VARYING
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Attorney Docket No: 8627-453

Examiner:

Art Unit:

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant cites the following references (each listed for the Examiner's convenience on the enclosed Form PTO-1449):

| No. | Date of Publication | Patentee/Applicant/Assignee |
|-----------|---------------------|-----------------------------|
| 3,904,519 | 09/1975 | McKinney, Jr. et al. |
| 4,154,244 | 05/1979 | Becker et al. |
| 4,172,859 | 10/1979 | Epstein |
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| 9815199 | 04/1998 | WO |
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| 9855171 | 12/1998 | WO |
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| 9934855 | 07/1999 | WO |
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| 0934755 | 08/1999 | EP |
| 9948548 | 09/1999 | WO |
| 0119425 | 03/2001 | WO |
| | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Technical Information; Pebax Resins, 33 Series Property Comparison

A copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2) is also enclosed. Applicant respectfully solicits the Examiner's consideration of the listed references and entry thereof into the record of this application.

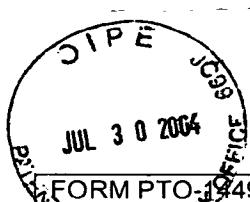
By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Commissioner is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

Lawrence G. Almeda (Reg. No. 46,151)
Attorney/Agent for Applicant

Enclosures: Form PTO-1449 (five sheets)
Copies of listed references



| | | | |
|--|--|---------------------------------------|----------------------|
| FORM PTO-1449 | | APPLICATION NO. 10/813,416 | CASE NO. 8627-453 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | | FILING DATE March 30, 2004 | ART UNIT |
| Sheet 1 of 5 | | APPLICANT(S): SCOTT E. BOATMAN et al. | |

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|------------------|-----------------|---------|----------------------|-----------------|-------------|
| | 3,904,519 | 09/1975 | McKinney, Jr. et al. | | |
| | 4,154,244 | 05/1979 | Becker et al. | | |
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| | 4,212,965 | 07/1980 | Campbell | | |
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| | 4,657,024 | 04/1987 | Coneys | | |
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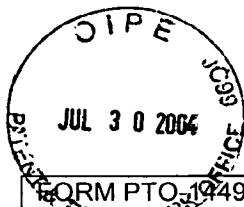
FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES NO |
|------------------|-----------------|---------|---------|-----------------|-----------------------|
| | 9617883 | 06/1996 | WO | | |
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| EXAMINER INITIAL | OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.) | |
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| | Technical Information; Pebax Resins, 33 Series Property Comparison | |
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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1049

APPLICATION NO.

10/813,416

CASE NO.

8627-453

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE
STATEMENT

FILING DATE

March 30, 2004

ART UNIT

Sheet 2 of 5

APPLICANT(S): SCOTT E. BOATMAN et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
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| | | 4,906,244 | 03/1990 | Pinchuk et al. | | |
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| | | 5,147,332 | 09/1992 | Moorehead | | |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES | TRANSLATION NO |
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| | | 9929353 | 06/1999 | WO | | | |
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| EXAMINER INITIAL | OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.) | |
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| Sheet 3 of 5 | APPLICANT(S): SCOTT E. BOATMAN et al. | |

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| Sheet 4 of 5 | APPLICANT(S): SCOTT E. BOATMAN et al. | |

REFERENCE DESIGNATION**U.S. PATENT DOCUMENTS**

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| FORM PTO-1449 | APPLICATION NO. 10/813,416 | CASE NO. 8627-453 |
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| Sheet 5 of 5 | APPLICANT(S): SCOTT E. BOATMAN et al. | |

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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;
 Draw line through citation if not in conformance and not considered. Include copy of this form with
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